IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

CHRISTOPHER JAY JORDAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 5:11-CV-258(MTT)
	)	
Officer STEPHENS, *et al.,*	)	
	)	
Defendants.	)	
	)	

ORDER

Before the Court is Magistrate Judge Charles H. Weigle's Recommendation to

dismiss the Plaintiff's case with prejudice for failure to prosecute and to deny as moot all

pending motions. (Doc. 38). The Magistrate Judge recommends dismissing the

Plaintiff's case for failure to diligently prosecute because the Plaintiff has not kept the

Clerk of Court or all opposing parties advised of his current mailing address at all times.

The record shows that the Plaintiff has not kept the Clerk of Court advised of his current

mailing address as mail has been returned to the Court as undeliverable on several

occasions. (Docs. 34, 35 and 39). The Plaintiff has not objected to the

Recommendation.

Pursuant to 28 U.S.C. § 636, the Court has thoroughly considered the

Recommendation. The Court accepts and adopts the findings, conclusions and

recommendations of the Magistrate Judge, except with regard to the recommendation

to dismiss *with prejudice*. Because there is no "clear record of willful contempt" nor is

there "an implicit or explicit finding that lesser sanctions would not serve the best

interest of the judiciary," the Court will not dismiss the Plaintiff's case with prejudice.

Tweed v. Florida, 151 Fed. App'x 856, 857 (11th Cir. 2005) (internal citation and

quotations omitted).

Accordingly, the Plaintiff's case is **DISMISSED WITHOUT PREJUDICE**, and all

pending Motions are **DENIED AS MOOT** (Docs. 32, 27, and 26).

SO ORDERED, this 19th day of December, 2012.

<u>S/ Marc T. Treadwell</u>
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT